

Fakhriddine

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Pete Wilson
Governor

Peter M. Rooney
Secretary for
Environmental
Protection

RECEIVED

APR 15 1998

PUBLIC WORKS
ENGINEERING SERVICES

April 3, 1998

Mr. Douglas M. Isbell, Deputy Director
County of San Diego Department of Public Works
5555 Overland Avenue
San Diego, California 92123-1295

Cal/EPA

California
Environmental
Protection
Agency

Integrated
Waste
Management
Board

8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200
www.ciwmb.ca.gov

RE: APPROVAL OF THE PLEDGE OF REVENUE AGREEMENT FOR
POSTCLOSURE MAINTENANCE OF THE SAN MARCOS
LANDFILL, FACILITY NO. 37-AA-0008

Dear Mr. Isbell:

Staff of the California Integrated Waste Management Board (CIWMB) reviewed the financial assurance mechanism submitted by the County of San Diego, in support of postclosure maintenance costs for the subject facility.

As a result of this review, the CIWMB finds that the Pledge of Revenue Agreement meets the requirements of Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 6, Subchapter 3, Article 2, section 22245, and as such, is approved by the CIWMB. A signed copy is enclosed for your records.

If you have any questions regarding this determination, please contact Ms. Diana Thomas of the Financial Assurances Section at (916) 255-4045.

Sincerely,

Dorothy Rice

Dorothy Rice
Deputy Director
Permitting and Enforcement Division

Enclosure

cc: Mr. Ken Calvert, LEA, w/o enclosure
County of San Diego Department of Environmental Health

Ms. Carol Tamaki, San Diego Region, w/enclosure
Regional Water Quality Control Board

Mr. Tadese Gebre-hawariat, CIWMB, w/o enclosure
Permitting and Inspection Branch

Mr. Glenn Young, CIWMB, w/o enclosure
Remediation, Closure and Technical Services Branch

2003 FEB 19 P 3:49

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD



37-AA-0008

STEPHEN THUNBERG
DIRECTOR
(619) 694-2212
FAX: (619) 268-0481
LOCATION CODE S50

County of San Diego

DEPARTMENT OF PUBLIC WORKS
5555 OVERLAND AVE, SAN DIEGO, CALIFORNIA 92123-1295

COUNTY ENGINEER
COUNTY AIRPORTS
COUNTY ROAD COMMISSIONER
TRANSIT SERVICES
COUNTY SURVEYOR
FLOOD CONTROL
WASTEWATER MANAGEMENT

February 26, 1998

Ms. Diana Thomas
California Integrated Waste Management Board
Financial Assurance Section
8800 Cal Center Drive
Sacramento, CA 95826

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # 37-AA-0008
SUBMITTED BY UB DATE 3/2
COPY TO GA/DT
COPY TO Concurrence
COPY TO _____
COPY TO _____

Dear Ms. Thomas:

PLEDGE OF REVENUE FOR THE SAN MARCOS LANDFILL POSTCLOSURE MAINTENANCE, FACILITY No. 37-AA-0008

The County Board of Supervisors approved a new resolution and pledge of revenue agreement for the postclosure maintenance of the San Marcos Landfill. This new pledge identifies the recently established Environmental Trust Fund instead of the tipping fees as the funding source.

As you know, on October 31, 1997, the County sold its active landfills to Allied Waste Industries. Therefore, it was necessary to replace the existing pledge of revenue with a new one that identifies a different funding source. Attached for your approval are two copies of the agreement and one copy of the resolution that have been approved by the County Board of Supervisors.

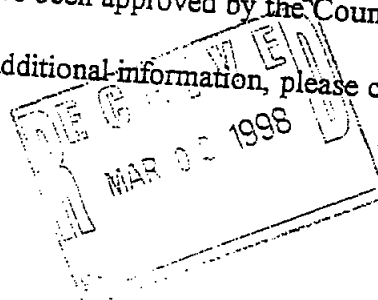
If you have any questions or require additional information, please call Mohamad Fakhreddine at (619) 694-2815.

Very truly yours,

DOUGLAS M. ISBELL, Deputy Director
Department of Public Works

DMI:mkf:

Attachments



TUESDAY, FEBRUARY 3, 1998

RESOLUTION NO. 98- 24

REPLACEMENT FINANCIAL ASSURANCE FOR POSTCLOSURE
MAINTENANCE OF THE SAN MARCOS LANDFILL

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the following resolution is adopted:

WHEREAS, the Public Resources Code sections 43500 through 43610.1 and sections of Title 27 of the California Code of Regulations (Regulations), Division 2, chapter 6, Article 2, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and postclosure maintenance activities; and

WHEREAS, sections 22228 and 22245 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for financing postclosure maintenance costs of a solid waste landfill; and

WHEREAS, on December 10, 1996, the Board of Supervisors adopted Resolution No. 96-339 establishing a pledge of tipping fee revenues to pay for postclosure maintenance activities at the San Marcos Landfill; and

WHEREAS, the California Integrated Waste Management Board on January 15, 1997 approved a pledge of tipping fee revenues to pay for postclosure maintenance activities at the San Marcos Landfill; and

WHEREAS, tipping fee revenues are no longer available to the County as a result of the sale of the solid waste system to a private party on October 31, 1997; and

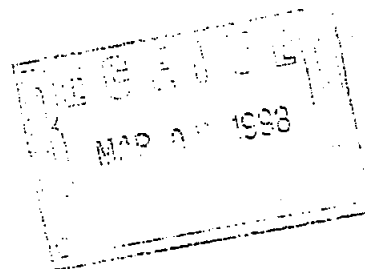
WHEREAS, the County must replace the pledge of tipping fee revenues with an alternative financial assurance mechanism in accordance with section 22245 of the Regulations; and

WHEREAS, the Board of Supervisors on November 4, 1997 established the Solid Waste Environmental Trust Fund (Trust Fund) to pay for the maintenance of its inactive and closed solid waste disposal facilities (including the San Marcos Landfill) for a minimum period of 30 years.

NOW, THEREFORE, BE IT RESOLVED by the County of San Diego (County) that:

1. The County of San Diego owns the San Marcos Landfill, a solid waste landfill, which has ceased operations and is undergoing preparations for closure in accordance with section 21769 of the Regulations.
2. The County hereby establishes a replacement Pledge of Revenue (Attachment A) to demonstrate financial responsibility for postclosure maintenance of the San Marcos Landfill in accordance with sections 22228 and 22245 of the Regulations.

3. Disbursement of funds for postclosure maintenance shall be in accordance with the final plan, as approved by the CIWMB.
4. In the event the CIWMB determines that the County has failed, or is failing, to perform postclosure maintenance as required by law, the CIWMB may direct the Auditor and Controller to pay the Director of Public Works from the pledged revenues sufficient funds to ensure postclosure maintenance, and the County shall then be obligated to use such funds for postclosure maintenance in accordance with the directives of the CIWMB.
5. The Director of Public Works is directed to produce an annual report for transmittal to CIWMB, containing as appropriate, a revised postclosure maintenance cost estimate, prepared as specified by sections 21840 and 22233(b)(4)(B) of the Regulations concerning the San Marcos Landfill.



PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 3rd day of February 1998 by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn
NOES: None
ABSENT: None

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)ss

I, THOMAS J. PASTUSZKA, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote herein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 3rd day of February, 1998.

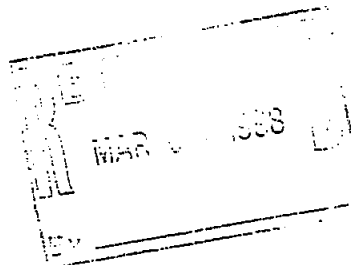


Thomas J. Pastuszka
Clerk of the Board of Supervisors

By Marion Egan
Deputy

Approved as to form
Eric Ward

Resolution No. 98-24
2/3/98 (5)



PLEDGE OF REVENUE AGREEMENT ESTABLISHING FINANCIAL ASSURANCE FOR
POSTCLOSURE MAINTENANCE OF THE SAN MARCOS LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the Postclosure Maintenance of the San Marcos Landfill.

This agreement shall become effective immediately, and is made and entered into by and between the County of San Diego (County) and the California Integrated Waste Management Board (CIWMB).

WHEREAS, Public Resources code, sections 43500 through 43610.1 and sections of Title 27 of the California Code of Regulations (Regulations), Division 2, Chapter 6, Article 2, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct postclosure maintenance activities; and

WHEREAS, sections 22228 and 22245 of the regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for postclosure maintenance costs of a solid waste landfill; and

WHEREAS, The County of San Diego owns the San Marcos Landfill, a solid waste landfill which has ceased operations and is undergoing preparations for closure in accordance with section 21769 of the Regulations; and

WHEREAS, on October 31, 1997 the County sold its active Solid Waste System to a private sector company; and

WHEREAS, the County previously pledged tipping fees from its active landfill system to pay for postclosure maintenance of the San Marcos Landfill; and

WHEREAS, the County must now replace the pledge of tipping fee revenues with an alternative financial assurance mechanism in accordance with section 22245 of the regulations; and

WHEREAS, the County on November 4, 1997 established the Solid Waste Environmental Trust Fund (Trust Fund) in the amount of \$101,000,000 to pay for the maintenance of its inactive and closed solid waste disposal facilities (including the San Marcos Landfill) for a minimum period of 30 years; and

WHEREAS, the County is pledging revenues from the Solid Waste Environmental Trust Fund; and

WHEREAS, the County has determined that the initial principal plus the projected annual earnings of the Trust Fund will be adequate to pay for the yearly monitoring and postclosure maintenance costs contained in the most recent Cost Estimate for the San Marcos Landfill, which has been submitted to the CIWMB in accordance with section 21840 of the Regulations.

NOW THEREFORE, the County and CIWMB do agree as follows:

1. The County hereby establishes a pledge of revenue to demonstrate financial responsibility for postclosure maintenance of the San Marcos Landfill in accordance with sections 22228 and 22245 of the Regulations.
2. The County agrees to pledge revenues from the Solid Waste Environmental Trust Fund as described herein.
3. The amount of the pledged revenue shall be equal to \$790,000 per year for the 30 year period of postclosure maintenance commencing upon final closure of the San Marcos Landfill, representing the most recent monitoring and postclosure maintenance cost estimate for the San Marcos Landfill. It is agreed that the amount of this pledge may increase or decrease to match any adjustment to the identified cost estimate which is mutually agreed to by the County and the CIWMB.
4. If the County ceases at any time to retain control of its ability to allocate the pledged revenue as identified herein to pay postclosure maintenance costs, the County shall notify the CIWMB and the local enforcement agency and shall obtain alternate coverage within sixty (60) days after the control of funds lapses, pursuant to section 22245 of the Regulations.
5. In the event that the CIWMB determines that the County has failed, or is failing, to perform postclosure maintenance as required by law, the CIWMB may direct the Auditor and Controller to pay the Director of Public Works from the pledged revenues sufficient funds to ensure postclosure maintenance in accordance with the directives of the CIWMB.

